

**Septics Legislation – 2011 vs. 2012 Comparison**

	2011 Bills [HB 1107/SB 846]	2012 Bill [SB 236]
Approval of Residential Subdivision Plats by MDE	No	Yes. MDE must consult with MDP for advice in certain circumstances.
Restriction of Septic Systems	Only minor subdivisions on septic	Only minor subdivisions on septic unless local governments adopt 4 tier system
Definition of Major/Minor Subdivision	Major = 5 units or more Minor = 4 units or less	Based on definition of local jurisdiction as of January 1, 2012
Tier I – Definition	NA	PFAs not subject to comment
Tier I – Septics Allowance	NA	Public sewer only
Tier II – Definition	NA	Local designated growth areas or PFAs subject to comment
Tier II – Septics Allowance	NA	Minor subdivisions on septic systems
Tier III - Definition	NA	Areas not planned for sewer, zoned for large lot rural development, and not targeted for agricultural or resource preservation
Tier III – Septics Allowance	NA	Minor subdivisions on septic. Major subdivisions on septic if approved by local planning board and subject to MDE one-time consultation with MDP on local government’s Tier III and IV areas.
Tier IV – Definition	NA	Areas already in, zoned for, or planned for agricultural or resource preservation, including lands marked by the State
Tier IV – Septics Allowance	NA	Minor subdivisions on septic. Major subdivisions on septic if zoning provides yield of 1 home per 25 acres
Subdivision Restrictions	Prohibits further subdivision of minor subdivision	Prohibits further subdivision of minor subdivisions with exception for land in PFAs planned for sewer. Minor subdivisions may be subdivided in stages if total number of lots and building sites are fixed in initial subdivision
Shared Facilities or Community Systems	Must be operated by governmental or public corporate entity like MES	Must be operated by governmental or public corporate entity like MES